



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,849	08/21/2003	Szu-Han Wu	WUSZ3001/EM	6156
23364 7590 07/09/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER KIM, ANDREW	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,849

Applicant(s)

WU, SZU-HAN

Examiner

Andrew Kim

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 4/27/07 in which:

- Claims 1 and 6 have been amended.
- Claims 2-5 have been canceled.
- Response to claims rejection have been filed.
- Claims 1, and 6-10 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers ("Pebbles Project" <http://www.cs.cmu.edu/~pebbles/v5/>, 2001).

Myers discloses how personal handheld computers (personal data assistants "PDA" and cell phones) interoperate with desktop and built-in computers seamlessly in real time.

Claims 1, 6. Myers substantially discloses the invention as claimed but fails to explicitly teach sending a joystick ID. Instead, Myers teaches a sound application ID (pg. 8-13) and using the PDA as remote control of the PC (Remote Commander). Although Remote Commander teaches an application for sending keystrokes to the PC which is essentially a joystick, the source code was not released and therefore it does not explicitly teach a joystick ID. However, it would have been obvious to one of ordinary skill in the art to use a joystick ID since Remote Commander discloses a PDA application for sending keystrokes to a PC for providing control on the computer. The ID would have been obvious because it enables the computer to recognize what type of device is connected to the computer.

Myers discloses a method for simulating a joystick of a computer by means of a portable electronic device, in response to interconnecting the portable electronic device and the computer under a current connecting mode and receiving a confirmation instruction for activating a joystick simulation, causing the portable electronic device to perform the steps of:

determining whether the portable electronic device is connecting to the computer under one of other predetermined connecting modes (PebblesPilot.c, pg. 6, 12 and 13) ;

terminating the current connecting mode when the determination is positive

(PebblesPilot.c, pg. 6, 12 and 13);

initializing the communication interface (PebblesPilot.c, pg. 7) and sending a joystick ID to the computer (see above);

setting a plurality of keys on a keypad of the portable electronic device as a plurality of game keys (Remote Commander) and a game interrupt key of a program installed in the computer so as to finish the interconnection between the portable electronic device and the computer and the setting in simulating the portable electronic device as an associated joystick of the computer. An interrupt key of a program installed in the computer to finish the interconnection is old and well-known in the art to tell the processor to stop whatever it is doing to pay attention to device/application that sent the interrupt signal and handle this before going with the program. One of ordinary skill in the art would have used an interrupt key to finish the connection because it allows that to take priority over other processes and hence facilitate the intentions of the user.

Reading a pressing signal and determining a source of the pressing signal issued by a functional key of the keys (Remote Commander)

Determining whether the functional key has been set as one of the game keys and game interrupt key (Remote Commander).

Sending a data package associated with the pressing signal to the computer (PebblesPilot.c, pg. 14, Remote Commander).

Claim 7. Myers discloses wherein the portable electronic device is a PDA (Personal Digital Assistant) (Using PDA...,pg. 35, col. 1).

Claim 8. Myers discloses wherein the portable electronic device is a mobile phone (Using PDA..., pg. 35, col. 1).

Claim 9. Myers discloses wherein the communication interface is a transmission line (Using PDA..., pg. 36, col. 1).

Claim 10. Myers discloses wherein the communication interface is a wireless communication element (Using PDA..., pg. 36, col. 1).

Response to Arguments

Applicant's arguments with respect to claim 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 4/27/07 have been fully considered but they are not persuasive.

Regarding claims 1 and 6, with respect to the term joystick, the examiner respectfully asserts that the term joystick has been interpreted as simply a peripheral which controls certain aspects of the computer. According to the remarks, page 7, "There is no teaching or suggestion that these tasks relate to a joystick, rather than functions of simple cursor up/down keys, mouse functions, or a simple button click." The

examiner respectfully requests the Applicant to point out the difference between the functions of the claimed joystick and "simple cursor up/down keys, mouse functions, or a simple button click."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK 7/5/2007

/John M Hotaling II/
John M Hotaling II
Primary Examiner 3714